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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,914	06/26/2001	Masato Anzai	JP920000178US1	8306

877 7590 09/11/2003

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2674

DATE MAILED: 09/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,914

Applicant(s)

ANZAI ET AL.

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. The claims 1-14 are pending. The examination results are as following.

Information Disclosure Statement

1. The information disclosure statement filed on 7/25/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. (US patent 4,832,419).

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Regarding claims 1 and 7, Mitchell et al. disclose in figures 1-3 that a display device comprising a pedestal having a planar pedestal main body (39a) and a planar arm portion (see rear arm 34 or frame 21, see figure 4-5) that is arranged in a standing manner at a specified angle to said pedestal main body (see stand 39a permits frame 21 to be tilted to increase the viewing angle of screen (20, see column 3, lines 3-7); and a display portion (20) being installed swingably to said the arm and having an image display portion (see arms that swing the display panel between the lowered and raised position (see abstract); and wherein the swinging angle of said display portion can be optimally set when the center of gravity of said display portion is within a projection surface area of the pedestal (because the center of gravity of the flat panel (20) always falls in the vertical direction of pedestal and to be tilted to the viewing angle of screen 20 by rotating pedestal, see column 3, lines 3-7).

Regarding claims 2 and 8-9 Mitchell et al. disclose wherein the pedestal main body (39a) and arm portion (34) are the same plane because arm (34) connected to the pedestal 39a at the rear side of display, see figure 4-5), and the arm and pedestal constitute the same plane may be less than the display portion and parallel opposing to the display portion.

4. Claims 3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin (US patent 6,493,216).

Regarding claim 3, Lin disclose in figures 6-8 that a display portion (38) having an image display portion (68) for displaying an image based on inputted data, and a planar protective portion (32) rotatably installed to the display portion around a display portion around a peripheral portion thereof as rotation axis (see display 38 to be folded of the

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machine body 32 by a forward rotation or upon the bottom face of the machine body 32 by a backward rotation, see column 2, lines 36-40), and the surface of planar protective portion (32) opposing to the display portion (38).

Regarding claim 6, Lin disclose a planar protective portion function as pedestal by rotating for 270 degrees or more, and parallel opposing to the display portion (see portable computer which can be rotated within 360 degree, see the title of the invention).

5. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Knoll (US patent 4,415,136).

Knoll discloses in figures 1, 3 and 5, an angle adjusting device (see abstract, see position of the CRT is tilted to adjust the angle (see column 6, lines 14-16) comprising a pedestal (10) that becomes a reference of the angle adjusting (see abstract, see column 46-50,) and an inherent arm (26) that is provided for said pedestal so as to be rotatable in a specified angle range and has an engaging portion (see spherical journal 26 can be adjusted and thus an angle of tilt angle A as measure, see column 6, lines 10-52), and a stopper (50a 50b) which performs a rotation action by following the rotation action of the arm, and engaging surface to engage said arm (see swivel stop 50a, 50b, see figures 3 and 6) wherein an engaging surface of the stopper is released while said arm rotates (see column 5, lines 13-16).

6. Claims 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US patent 6,498,721).

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Regarding claim 13, Kim discloses in figure 5 an angle adjusting device in which a second member (12) supports a first member (26) at an optimum angle comprising a pedestal (11) that becomes a reference of the angle adjustment, the first member that is retractably arranged around a first rotation axis (horizontal axis) provided on the pedestal (22), and said second member (12) that is rotatably arranged around a second rotation axis (vertical axis 23) and a portion of the second member (12) is positioned above said first member (26) (see column 2, lines 68-67).

Regarding claim 14, Kim discloses the angle device, wherein the second member (12) performs the rotation action according to the rotation action of the first member (26).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US patent 6,493,216).

Lin disclose in figures 1-3 that a display portion (20) having an inherent image display portion for displaying an image based on inputted data, and a planar protective portion rotatably installed to the display portion around a display portion around a peripheral portion thereof as rotation axis as discussed in claim 3 above. However, Lin does not disclose wherein the thickness of said planar protective portion is thinner than the

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thickness of the display portion or the protective portion is lighter than the weight of said display portion.

From the claims, it would have been obvious for Lin's display to have the thickness of said planar protective portion is thinner than the thickness of the display portion or the protective portion is lighter than the weight of said display portion as claimed since such a modification would have involved a mere change in the weight of a system. A change in weight is generally recognized as being within the level of ordinary skill in the art.

See *In re Rose*, 105 USPQ 237 (CCPA 1995) and

See *In re Reven*, 156 USPQ 679 (CCPA 1968).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoll (US patent 4,415,136).

Regarding claim 12, Knoll discloses in figures 1, 3 and 5, an angle adjusting device (see abstract, see position of the CRT is tilted to adjust the angle (see column 6, lines 14-16) comprising a pedestal (10) that becomes a reference of the angle adjusting (see abstract, see column 46-50,) and an inherent arm (26) that is provided for said pedestal so as to be rotatable in a specified angle range and has an engaging portion (see spherical journal 26 can be adjusted and thus an angle of tilt A as measure, see column 6, lines 10-52), and a stopper (50a 50b) which performs a rotation action by following the rotation action of the arm as disclosed in claim 10 above. However, Knoll does not disclose the stopper is made in the shape of a circular, and the thickness of the planar protective portion is thinner than the thickness of the display portion, or the weight of said planar protective

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portion is lighter than the weight of said display portion. It would have been obvious for Knoll's display to have the stopper is made in the shape of a circular, and the thickness of the planar protective portion is thinner than the thickness of the display portion, or the weight of said planar protective portion is lighter than the weight of said display portion. as claimed since such a modification would have involved a mere change in the Size/Range/ Weight of a system. A change in Size/Range/Weight is generally recognized as being within the level of ordinary skill in the art.

See In re Rose, 105 USPQ 237 (CCPA 1995) and

See In re Reven, 156 USPQ 679 (CCPA 1968).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

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Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

Kimnhung Nguyen
September 4, 2003



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600